

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the

MAR - 5 2019

Southern District of Texas

David J. Bradley, Clerk

United States of America )  
 v. )  
 Herbert Asdrubal SORIANO-TORRES )  
 YOB: 1987 COC: El Salvador )  
 )  
 )  
 )  
 )

Case No. M-19-0528-1A

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 4, 2019 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

Title 18 United States Code,  
Section 111(a)(1)  
*(Felony)*

## Offense Description

intentionally forcibly assault, resist, oppose, impede, intimidate and interfere with Customs and Border Protection Officer I.N. who is a federal officer who was engaged in the performance of his official duties.

This criminal complaint is based on these facts:

See Attached Affidavit

 Continued on the attached sheet.

Complainant's signature

Jesus Palomo, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/04/2019 8:38 am

Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby, U. S. Magistrate Judge

Printed name and title

Attachment A

Before the United States Magistrate Judge, Southern District of Texas, I, Jesus Palomo, Special Agent, United States Immigration and Customs Enforcement, Homeland Security Investigations, being duly sworn, depose and say the following:

On March 4, 2019, United States Customs and Border Protection (CBP) requested assistance from Homeland Security Investigations (HSI) McAllen, Texas regarding the arrest of Herbert Asdrubal SORIANO-TORRES for the assault on a Federal Officer. HSI Special Agent (SA) Jesus Palomo responded to the Hidalgo, Texas Port of Entry (POE) to investigate.

On March 4, 2019, Customs and Border Protection Officers (CBPO) assigned to the Roma, Texas Port of Entry (POE) were conducting their official duties at the mid bridge pre-inspection area, when they encountered SORIANO-TORRES, along with a group of thirteen other undocumented aliens. During the initial inspection, CBP Officers asked SORIANO-TORRES to stop so that they could obtain proof of citizenship. The group halted, with the exception of SORIANO-TORRES. SORIANO-TORRES walked towards CBP Officer I.N. who verbally told SORIANO-TORRES in Spanish to stop and held his hand out and motioned SORIANO-TORRES to halt. SORIANO-TORRES contacted CBP Officer I.N. and pushed him against the chest to move him out of the way. CBP Officer I.N. pushed SORIANO-TORRES against the fence and attempted to stop SORIANO-TORRES from moving forward and attempted to restrain SORIANO-TORRES. SORIANO-TORRES actively resisted and started to swing his arms to prevent CBP Officer I.N. from taking him into custody. During the struggle, SORIANO-TORRES swung his elbow and contacted the CBP Officer I.N.'s nose. After several CBP Officers responded, they were able to take SORIANO-TORRES into custody. SORIANO-TORRES was then safely secured in handcuffs and escorted by two CBP Officers inside the Hidalgo POE for further inspection.

SORIANO-TORRES was provided a copy of his Miranda Rights in the Spanish language by HSI's Special Agents Palomo. SORIANO-TORRES read the form out loud and stated that he understood and waived his right to have an attorney present during questioning. During questioning, SORIANO-TORRES readily admitted that he was resisting CBPO's who were attempting to arrest him and admitted that it was his fault that the physical encounter occurred.

SORIANO-TORRES was placed under arrest and transported to the East Hidalgo Detention Center to await his initial appearance before the United States Magistrate Judge in McAllen, Texas.